
Docket No. 24-3518

*In the***United States Court of Appeals**
For the
Ninth Circuit

STUART REGES,

Plaintiff-Appellant,

v.

ANA MARI CAUCE, in her official capacity as President of the University of Washington, MAGDALENA BALAZINSKA, in her official and individual capacities as Director of the Paul G. Allen School of Computer Science & Engineering, DAN GROSSMAN, in his official and individual capacities as Vice Director of the Paul G. Allen School of Computer Science & Engineering and NANCY ALLBRITTON, in her official and individual capacities as Dean of the College of Engineering,

Defendants-Appellees.

*Appeal from a Decision of the United States District Court for Western the District of Washington,
No. 2:22-cv-00964-JHC · Honorable John H. Chun*

**EXCERPTS OF RECORD
INDEX VOLUME**

JAMES M. DIAZ, Esq.
FOUNDATION FOR INDIVIDUAL RIGHTS
AND EXPRESSION
510 Walnut Street, Suite 900
Philadelphia, Pennsylvania 19106
(215) 717-3473 Telephone
jay.diaz@thefire.org

JOSHUA BLEISCH, Esq.
FOUNDATION FOR INDIVIDUAL RIGHTS
AND EXPRESSION
700 Pennsylvania Avenue, SE, Suite 340
Washington, District of Columbia 20003
(215) 717-3473 Telephone
josh.bleisch@thefire.org

Attorneys for Appellant Stuart Reges



COUNSEL PRESS INC. · (213) 680-2300

PRINTED ON RECYCLED PAPER



TABLE OF CONTENTS

| Docket | Description | Page |
|--------|--|------|
| Entry | | |
| | VOLUME 1 OF 3 – Pages 1 to 49 | |
| 90 | Amended Order Re: Defendants' Motion to Dismiss and Cross-Motions for Summary Judgment, Filed May 8, 2024 | 2 |
| | VOLUME 2 OF 3 – Pages 50 to 321 | |
| 81 | Declaration of Gabriel Walters [Selected Excerpts], Filed January 29, 2024 | — |
| | Exhibit C: Excerpts from the Deposition Transcript of University of Washington 30(b)(6) Designee Eric Schnapper | 51 |
| 76 | Declaration of Gabriel Walters [Selected Excerpts], Filed January 22, 2024 | — |
| | Exhibit D: Excerpts from the Deposition Transcript of Defendant Magdalena Balazinska | 64 |
| | Exhibit F: Excerpts from the Deposition Transcript of Defendant Nancy Allbritton | 75 |
| 67 | Declaration of Nancy Allbritton Re: Defendants' Motion for Summary Judgment, Filed December 18, 2023 | 89 |
| | Exhibit 1: March 18-April 21, 2022 Email Exchange Between Professor Reges and Nancy Allbritton | 92 |
| | Exhibit 2: July 11, 2022 letter I sent to the members of the Special Investigating Committee I formed to Investigate and Advise Me On Potential Violations of University Policy by Professor Reges | 96 |
| | Exhibit 3: June 13, 2023 Letter I Sent to Professor Reges Informing Him of the Outcome of the Investigation Based on What I Learned from the Committee and My Own Conclusions | 101 |

| | | |
|----|--|-----|
| 66 | Declaration of Magdalena Balazinska Re: Defendants' Motion for Summary Judgment, Filed December 18, 2023 | 108 |
| | Exhibit 1: December 8-9, 2021 Email Thread Including Me and Several Other Faculty and Staff Members Within the Allen School | 112 |
| | Exhibit 2: January 4, 2022 Email I Sent to Professor Reges | 117 |
| | Exhibit 3: January 5, 2022 Email I Sent to the Students in Professor Reges 's CSE 143 course | 119 |
| | Exhibit 4: Initial Set of Complaints (Not In Exact Chronological Order) | 121 |
| | Exhibit 5: Letter from the Allen School's Recruiter for Diversity and Access that I received after Professor Reges Announced His Intention to Continue Including His Land Acknowledgment On Course Syllabi | 136 |
| | Exhibit 6: February 25, 2022 Email I Had Received from Elected Representatives of the University's Student-Employee Union | 139 |
| | Exhibit 7: March 2, 2022 Letter I Sent to Professor Reges. | 148 |
| | Exhibit 8: March 9, 2022 Letter I Sent to Professor Reges. | 152 |
| | Exhibit 9: March 10, 2022 Email I Received from Professor Reges | 155 |
| 65 | Declaration of Robert M. McKenna Re: Defendants' Motion for Summary Judgment, Filed December 18, 2023 | 157 |
| | Exhibit 1: Excerpts from the Transcript of the August 22-23, 2023 Deposition of Stuart Reges | 159 |
| | Exhibit 2: Webpage for the University of Washington's Office of Tribal Relations, Marked as Exhibit 61 to the Rule 30(b)(6) Deposition of Chadwick Allen | 235 |
| | Exhibit 3: Exhibit 8 to the Deposition of Stuart Reges | 238 |

| | | |
|------------|--|-----|
| Exhibit 4: | University's Webpage Containing Faculty Code Section 25-71, Marked as Exhibit 21 to the Deposition of Stuart Reges | 241 |
| Exhibit 5: | September 11, 2010 Memorandum of Understanding Between Northwest Regional Tribes and the University of Washington | 246 |
| Exhibit 6: | University's Syllabus Guidelines and Resources, Maintained by the Office of the University Registrar | 250 |
| 63 | Declaration of Stuart Reges, Filed December 18, 2023 | 263 |
| 62 | Exhibits to the Declaration of Gabriel Walters [Selected Excerpts], Filed December 18, 2023 | — |
| | Exhibit A: Excerpts - Deposition of Fed. R. Civ. Pro. 30(b)(6) Designee Chadwick Allen | 278 |
| | Exhibit B: Office of Minority Affairs & Diversity –Land Acknowledgment Statement | 307 |
| | Exhibit D: Email Correspondence Dated January 13, 2022 from M. Balazinska to M. Richards | 311 |
| | Exhibit E: CSE 143 Syllabus (EXHIBITS CONTINUED IN VOLUME 3) | 319 |

VOLUME 3 OF 3 – Pages 322 to 597

| | | |
|----|---|-----|
| 62 | Exhibits to the Declaration of Gabriel Walters [Selected Excerpts], Filed December 18, 2023 (EXHIBITS CONTINUED FROM VOLUME 2) | — |
| | Exhibit F: Email Correspondence Dated January 4, 2022 from S. Reges to M. Balazinska | 323 |
| | Exhibit G: Excerpts - Deposition of Magdalena Balazinska | 329 |
| | Exhibit J: Email Correspondence Dated January 4, 2022 from M. Balazinska to A. Trilles | 411 |
| | Exhibit K: Faculty Code and Governance § 25 | 415 |
| | Exhibit M: Washington University Website Notice of Course Syllabus Removal | 426 |
| | Exhibit N: Email Correspondence Dated Jan. 4, 2022 from M. Balazinska to T. Kohno | 428 |

| | | |
|-------------|---|-----|
| Exhibit O: | Statement on X (Twitter) dated January 4, 2022 | 439 |
| Exhibit P: | Text of M. Balazinska Response to Reporters Dated January 7, 2022 | 442 |
| Exhibit Q: | Email Correspondence Dated January 4, 2022 from D. Grossman | 444 |
| Exhibit R: | Email Correspondence Dated January 5, 2022 from M. Balazinska to CSE 143 Roster | 449 |
| Exhibit V: | Excerpts - Deposition of Stuart Reges | 451 |
| Exhibit W: | Email Correspondence Dated January 7, 2022 from Student | 465 |
| Exhibit Y: | Deposition of D. Grossman | 468 |
| Exhibit AA: | Email Correspondence Dated January 7, 2022 from M. Balazinska to H. Schafer | 503 |
| Exhibit CC: | Email Dated February 23, 2022 from S. Reges to Diversity-Allies Listserv | 506 |
| Exhibit DD: | Email Correspondence Dated February 25, 2022 from N. Allbritton to M. Balazinska | 508 |
| Exhibit EE: | Email Correspondence Dated March 2, 2022 from M. Balazinska to S. Reges | 512 |
| Exhibit GG: | Presidential Executive Order No. 31 | 517 |
| Exhibit II: | Letter Dated March 9, 2022 from M. Balazinska to S. Reges | 525 |
| Exhibit JJ: | Excerpts - Deposition of Nancy Allbritton | 528 |
| Exhibit KK: | Email Correspondence Dated April 21, 2022 from N. Allbritton to S. Reges | 557 |
| Exhibit LL: | Letter dated July 11, 2022 from N. Allbritton to L. Mackenzie, et al. | 561 |
| Exhibit NN: | Letter from K. Shuster | 566 |
| Exhibit PP: | Excerpts - Deposition of Eric Schnapper | 569 |
| Exhibit QQ: | Letter Dated June 13, 2023 from N. Allbritton to S. Reges | 573 |

| | | |
|----|---|-----|
| 91 | Notice of Appeal, Filed May 30, 2024 | 580 |
| | Representation Statement | 583 |
| — | Civil Docket, United States District Court for the Western District of Washington (Seattle), Case No. 2:22-cv-00964-JHC | 585 |

TABLE OF CONTENTS

| Docket | Description | Page |
|--------|--|------|
| Entry | | |
| | VOLUME 1 OF 3 – Pages 1 to 49 | |
| 90 | Amended Order Re: Defendants' Motion to Dismiss and Cross-Motions for Summary Judgment, Filed May 8, 2024 | 2 |
| | VOLUME 2 OF 3 – Pages 50 to 321 | |
| 81 | Declaration of Gabriel Walters [Selected Excerpts], Filed January 29, 2024 | — |
| | Exhibit C: Excerpts from the Deposition Transcript of University of Washington 30(b)(6) Designee Eric Schnapper | 51 |
| 76 | Declaration of Gabriel Walters [Selected Excerpts], Filed January 22, 2024 | — |
| | Exhibit D: Excerpts from the Deposition Transcript of Defendant Magdalena Balazinska | 64 |
| | Exhibit F: Excerpts from the Deposition Transcript of Defendant Nancy Allbritton | 75 |
| 67 | Declaration of Nancy Allbritton Re: Defendants' Motion for Summary Judgment, Filed December 18, 2023 | 89 |
| | Exhibit 1: March 18-April 21, 2022 Email Exchange Between Professor Reges and Nancy Allbritton | 92 |
| | Exhibit 2: July 11, 2022 letter I sent to the members of the Special Investigating Committee I formed to Investigate and Advise Me On Potential Violations of University Policy by Professor Reges | 96 |
| | Exhibit 3: June 13, 2023 Letter I Sent to Professor Reges Informing Him of the Outcome of the Investigation Based on What I Learned from the Committee and My Own Conclusions | 101 |

| | | |
|----|--|-----|
| 66 | Declaration of Magdalena Balazinska Re: Defendants' Motion for Summary Judgment, Filed December 18, 2023 | 108 |
| | Exhibit 1: December 8-9, 2021 Email Thread Including Me and Several Other Faculty and Staff Members Within the Allen School | 112 |
| | Exhibit 2: January 4, 2022 Email I Sent to Professor Reges | 117 |
| | Exhibit 3: January 5, 2022 Email I Sent to the Students in Professor Reges 's CSE 143 course | 119 |
| | Exhibit 4: Initial Set of Complaints (Not In Exact Chronological Order) | 121 |
| | Exhibit 5: Letter from the Allen School's Recruiter for Diversity and Access that I received after Professor Reges Announced His Intention to Continue Including His Land Acknowledgment On Course Syllabi | 136 |
| | Exhibit 6: February 25, 2022 Email I Had Received from Elected Representatives of the University's Student-Employee Union | 139 |
| | Exhibit 7: March 2, 2022 Letter I Sent to Professor Reges. | 148 |
| | Exhibit 8: March 9, 2022 Letter I Sent to Professor Reges. | 152 |
| | Exhibit 9: March 10, 2022 Email I Received from Professor Reges | 155 |
| 65 | Declaration of Robert M. McKenna Re: Defendants' Motion for Summary Judgment, Filed December 18, 2023 | 157 |
| | Exhibit 1: Excerpts from the Transcript of the August 22-23, 2023 Deposition of Stuart Reges | 159 |
| | Exhibit 2: Webpage for the University of Washington's Office of Tribal Relations, Marked as Exhibit 61 to the Rule 30(b)(6) Deposition of Chadwick Allen | 235 |
| | Exhibit 3: Exhibit 8 to the Deposition of Stuart Reges | 238 |

| | | |
|----|---|-----|
| | Exhibit 4: University's Webpage Containing Faculty Code Section 25-71, Marked as Exhibit 21 to the Deposition of Stuart Reges | 241 |
| | Exhibit 5: September 11, 2010 Memorandum of Understanding Between Northwest Regional Tribes and the University of Washington | 246 |
| | Exhibit 6: University's Syllabus Guidelines and Resources, Maintained by the Office of the University Registrar | 250 |
| 63 | Declaration of Stuart Reges, Filed December 18, 2023 | 263 |
| 62 | Exhibits to the Declaration of Gabriel Walters [Selected Excerpts], Filed December 18, 2023 | — |
| | Exhibit A: Excerpts - Deposition of Fed. R. Civ. Pro. 30(b)(6) Designee Chadwick Allen | 278 |
| | Exhibit B: Office of Minority Affairs & Diversity –Land Acknowledgment Statement | 307 |
| | Exhibit D: Email Correspondence Dated January 13, 2022 from M. Balazinska to M. Richards | 311 |
| | Exhibit E: CSE 143 Syllabus (EXHIBITS CONTINUED IN VOLUME 3) | 319 |

VOLUME 3 OF 3 – Pages 322 to 597

| | | |
|----|--|-----|
| 62 | Exhibits to the Declaration of Gabriel Walters [Selected Excerpts], Filed December 18, 2023 (EXHIBITS CONTINUED FROM VOLUME 2) | — |
| | Exhibit F: Email Correspondence Dated January 4, 2022 from S. Reges to M. Balazinska | 323 |
| | Exhibit G: Excerpts - Deposition of Magdalena Balazinska | 329 |
| | Exhibit J: Email Correspondence Dated January 4, 2022 from M. Balazinska to A. Trilles | 411 |
| | Exhibit K: Faculty Code and Governance § 25 | 415 |
| | Exhibit M: Washington University Website Notice of Course Syllabus Removal | 426 |
| | Exhibit N: Email Correspondence Dated Jan. 4, 2022 from M. Balazinska to T. Kohno | 428 |

| | | |
|-------------|---|-----|
| Exhibit O: | Statement on X (Twitter) dated January 4, 2022 | 439 |
| Exhibit P: | Text of M. Balazinska Response to Reporters Dated January 7, 2022 | 442 |
| Exhibit Q: | Email Correspondence Dated January 4, 2022 from D. Grossman | 444 |
| Exhibit R: | Email Correspondence Dated January 5, 2022 from M. Balazinska to CSE 143 Roster | 449 |
| Exhibit V: | Excerpts - Deposition of Stuart Reges | 451 |
| Exhibit W: | Email Correspondence Dated January 7, 2022 from Student | 465 |
| Exhibit Y: | Deposition of D. Grossman | 468 |
| Exhibit AA: | Email Correspondence Dated January 7, 2022 from M. Balazinska to H. Schafer | 503 |
| Exhibit CC: | Email Dated February 23, 2022 from S. Reges to Diversity-Allies Listserv | 506 |
| Exhibit DD: | Email Correspondence Dated February 25, 2022 from N. Allbritton to M. Balazinska | 508 |
| Exhibit EE: | Email Correspondence Dated March 2, 2022 from M. Balazinska to S. Reges | 512 |
| Exhibit GG: | Presidential Executive Order No. 31 | 517 |
| Exhibit II: | Letter Dated March 9, 2022 from M. Balazinska to S. Reges | 525 |
| Exhibit JJ: | Excerpts - Deposition of Nancy Allbritton | 528 |
| Exhibit KK: | Email Correspondence Dated April 21, 2022 from N. Allbritton to S. Reges | 557 |
| Exhibit LL: | Letter dated July 11, 2022 from N. Allbritton to L. Mackenzie, et al. | 561 |
| Exhibit NN: | Letter from K. Shuster | 566 |
| Exhibit PP: | Excerpts - Deposition of Eric Schnapper | 569 |
| Exhibit QQ: | Letter Dated June 13, 2023 from N. Allbritton to S. Reges | 573 |

| | | |
|----|---|-----|
| 91 | Notice of Appeal, Filed May 30, 2024 | 580 |
| | Representation Statement | 583 |
| — | Civil Docket, United States District Court for the Western District of Washington (Seattle), Case No. 2:22-cv-00964-JHC | 585 |